

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

CURTIS LEE SHEPPARD, JR.,	§	
TDCJ No. 1656666,	§	
	§	
Petitioner,	§	
	§	
	§	
v.	§	
	§	Civil Action No. 7:18-cv-178-O-BP
LORIE DAVIS, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	
	§	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND DISMISSING PETITION**

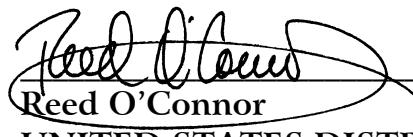
The United States Magistrate Judge has entered his Findings, Conclusions, and Recommendation that this habeas action be dismissed as successive. *See* ECF No. 10. After making an independent review of the pleadings, files, and records in this case, of the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, and of Petitioner's objections thereto, I am of the opinion that the findings of fact, conclusions of law, and recommendation for disposition set forth in the Magistrate Judge's Recommendation are correct and they are hereby adopted and incorporated by reference as the Findings of the Court.

Additionally, as noted by the United States Magistrate Judge in his Recommendation, Curtis Lee Sheppard was sanctioned by the United States Court of Appeals for the Fifth Circuit in the amount of \$100.00 for repeatedly filing frivolous pleadings challenging his conviction and prison disciplinary actions. *See Sheppard v. Davis*, No. 17-11435 (5th Cir. Aug. 31, 2018). The Court of Appeals barred Sheppard from filing in the Fifth Circuit, or in any court subject to the Fifth Circuit's jurisdiction, any challenge to his conviction or disciplinary proceedings until the sanction is paid in

full, unless he first obtains leave from the court in which he seeks to file his pleadings. Review of the Fifth Circuit's docket sheet in *Sheppard v. Davis* reflects that the sanction has not been paid. And Sheppard did not obtain leave of court to file the instant action.

For the foregoing reasons, this action is **DISMISSED** without prejudice as successive and as barred by the sanction order entered by the Fifth Circuit in *Sheppard v. Davis*. Petitioner's Motion for Suspension of Operations (ECF No. 5) and Motion for Leave to File Texas Legislature 2013 Junk Science Law (ECF No. 6) are **DENIED** as **MOOT**.

SO ORDERED this 20th day of February, 2019.



Reed O'Connor
UNITED STATES DISTRICT JUDGE